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August 9, 2024

VIA ECF

Hon. Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Re: *FTC v. Tapestry, Inc. et al.*, 1:24-cv-03109-JLR

Dear Judge Rochon:

We are counsel for non-party Macy's Inc., whose corporate representative Christopher Steinmann is a witness in the above captioned matter. Macy's submits this letter motion seeking *in camera* treatment of Mr. Steinmann's deposition transcript, which the Federal Trade Commission advises it has filed in this matter. Counsel for the FTC and counsel for the Defendants consent to this request. While we understand that the Protective Order may eliminate the necessity for a separate request from Macy's, in light of the confidential nature of the information disclosed in the deposition.

We request that the deposition transcript remain confidential and under seal, and that it only be reviewed *in camera* if admitted into evidence. This document contains extensive discussion of non-public, trade secret information concerning Macy's handbag business. It describe Macy's confidential business strategy, sales information, and internal strategies and structures. Macy's would suffer irreparable harm if its competitors or the public were given access to this highly private strategic information. Because this document discusses Macy's strategies in the competitive market, the information contained in this deposition is sufficiently material to Macy's business that disclosure would result in serious competitive injury. Accordingly, we respectfully request that the Court order that the deposition be admitted only *in camera* if offered into evidence at the upcoming hearing.

On August 7, 2024, we received notifications from counsel for the FTC, pursuant to the Amended Protective Order, that it may introduce portions of the depositions designated by

VORYS

Hon. Jennifer L. Rochon
August 9, 2024
Page 2

Macy's as confidential as public exhibits at an upcoming hearing. We have conferred with counsel for both the FTC and Defendants about these notifications. Counsel for all parties consent to our request that the deposition remain sealed and confidential if offered into evidence at the upcoming hearing.

Accordingly, Macy's respectfully requests that the Court "So Order" this request that the deposition remain confidential and under seal, and that it only be reviewed *in camera* if admitted into evidence.

Very truly yours,

/s/ James A. Wilson

James A. Wilson

JAW/jw
Enclosure